IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 20053 of 2006(K)

PETITIONER:

BASHEER.K., S/O.LATE UMMER MOULAVI,
DEPUTY DIRECTOR OF EDUCATION (RETIRED),
NOW RESIDING AT `SUJEEVANAM', PAYYANADAM,
MANNARKKAD COLLEGE, PALAKKAD DISTRICT.

BY ADV. SRI.BABU S. NAIR
SRI.JIJO PAUL

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT
SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
TRIVANDRUM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
ALAPPUZHA.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.20053 OF 2006

Dated this the 18th day of July, 2007

JUDGMENT

Grievance of the petitioner who is a retired teacher is that his retrial benefits are withheld by the respondents without any valid or justifiable reasons.

2. It is the admitted position that petitioner retired from service on May 31, 2004 after putting in about three decades of service. In the counter affidavit, it is stated by respondent no.1 that the delay in disbursement of Death Cum Retirement Gratuity occurred because the petitioner had failed to produce certain records namely, the trip sheets of the taxi vehicles hired in connection with Revenue District Youth Festivals. As the Convenor of the festival, he was liable to maintain proper accounts.

3. Anyhow, it is admitted by the respondents that the audit objection raised in this regard had been subsequently dropped when the petitioner produced relevant records before the authorities concerned. It is further revealed from

the counter affidavit that non liability certificate was issued to the Sub Treasury, Mannarkkad in 2006. Thus, the hurdle in releasing the retrial benefits had been removed shortly after filing this writ petition.

4. Learned counsel submits that in view of the above averments made in the counter affidavit, no further orders are necessary in the writ petition. Though Miss. Sheeba learned counsel for the petitioner contends that petitioner is entitled to get interest for the delayed payment, I am of the view that in the peculiar facts and circumstances, petitioner will have to forgo interest.

5. It is submitted by the learned Government Pleader that the amounts had been in fact disbursed to the petitioner on September 12, 2006 itself.

Therefore, the writ petition is closed.

A.K.BASHEER, JUDGE

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